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10/099,947	03/19/2002	Mark T. Neebe	1215-0461P (BD-01-049)	6314

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EXAMINER
NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
 after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
 earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>March 19, 2002.</u>

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☒ Claim(s) <u>31-38</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>March 19, 2002.</u>

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-38 are pending.

Priority

Claim to provisional application 60/278,656 has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the

application is March 21, 2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 18-24, and 27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Chen et al. (US Patent 6,195,694), hereinafter referred to as Chen.

In reference to claim 1, Chen explicitly discloses a system employed for user

interaction through the use of interface to select a corresponding application to be

downloaded from a server to the client (i.e. kiosk) via a network (i.e. Internet).

Subsequently, the application is implemented by the client to conduct specific functions

(e.g. banking, retail), and control the specified peripheral devices (abstract; columns 1-3). Chen further discloses:

- A digital computing system (Figures 1&4) for implementing multiple independent applications (i.e. application files/APIs; Figure 4-items 175&441) on a common hardware platform (Figure 1-item 100), (columns 4-6; columns 8-9) comprising:

- A web based (i.e. interfaced to Internet/accesses web pages; column 5) common use access terminal (i.e. computer; Figure 1-item 110) including an application selection device (i.e. selection functions; Figure 1-item 105A) for launching an application by a user (columns 8-9);

- A web browser (Figure 1&4-item 160) located in the common use access terminal including browser software responding to user activation of the application selection device for hosting one or more of said applications (columns 5-6); and

- One or more web servers (Figures 1&4-item 195) respectively including server software connected by way of a secure web connection (i.e. network connection; Figures 1&4-item 155) to the browser for running one or more application programs depending on the needs of a user (i.e. user-specific application) by taking exclusive control of the system as well as controlling one or more peripheral devices (i.e. input/output devices; Figures 1&4-item 130; column 4) located at the common use access terminal, (columns 3-9).

In reference to claim 20, Chen explicitly discloses a method to employ the

aforementioned system for user interaction through the use of interface to select a

corresponding application to be downloaded from a server to the client (i.e. kiosk) via a

network (i.e. Internet). Subsequently, the application is implemented by the client to

conduct specific functions (e.g. banking, retail), and control the specified peripheral

devices (abstract; columns 1-3). Chen further discloses:

- A method (column 3, lines 13-24) of executing one or more independent

   software application programs from a common use terminal of a hardware

   platform (Figure 1-item 100) including a computer sub-system (i.e.

   computer; Figure 1-item 110), comprising the steps of:

- Launching an application program by browser software (Figure 1&4-item

   160) located in a common use access terminal by a user activating

   application program selection means (i.e. selection functions; Figure 1-

   item 105A) located threat (columns 4-6);

- Forming a secure web based connection between the browser software

   and web server software (i.e. data communication begins between the

   server and the browser in the kiosk; column 5, lines 45-67) of a web

   server (Figures 1&4-item 195) running said application program; assuming

   exclusive (i.e. user-specific) control of the platform including one or more

   peripheral devices (i.e. input/output devices; Figures 1&4-item 130;

   column 4) associated therewith by said web server software using control

   software residing in the browser software at the common use access

terminal for the duration of the application program; and at the end of the

application program, clearing all sensitive data (i.e. reconfiguration)

relating to the application from the computer sub-system for subsequent

use by another user, (columns 6-9; column 15, line 60-65).

In reference to claim 2, Chen shows the system wherein the server software

uses ActiveX controls residing in the browser software located in the common use

access terminal to control the system and for controlling one or more of the peripheral

devices for the duration of a selected application, (columns 19-20).

In reference to claim 3, Chen shows the system wherein the software of said

browser and the software of said one or more web servers include web pages, (column

7, lines 48-67; column 9; Figure 5).

In reference to claim 4, Chen shows the system wherein application selection

device includes a screen providing a display of said applications, (column 6, line 33 to

column 7, line 67; Figure 3)

In reference to claims 5 and 23, Chen shows the system wherein said screen

displays a selectable menu of said applications, (column 7; Figure 3-item 320).

In reference to claims 6 and 24, Chen shows the system wherein the application selection device includes a touch screen whereby the user can manually select an application of said one or more applications, (column 4, lines 33-36; column 6, lines 33-45; Figure 1-item 105).

In reference to claim 7, Chen shows the system wherein the common use access terminal comprises one member of an item delivery and storage system (i.e. dispenser; column 4;Figure 1-item 113A).

In reference to claims 8 and 22, Chen shows the system wherein the common use access terminal comprises a kiosk (column 4; Figure 1-item 100).

In reference to claim 9, Chen shows the system wherein said item delivery and storage system includes a secure item storage device (i.e. dispenser; column 4; Figure 1-item 113A) having access thereto controlled by an application launched from the kiosk, (columns 5-6).

In reference to claim 18, Chen shows the system wherein the peripheral devices include a magnetic card reader (Figure 1-item 121), a printer (Figure 1-item 109), a PIN number pad (Figure 1-item 135; column 7, lines 1-16), (column 4).

In reference to claim 19, Chen shows wherein the peripheral devices additionally include a bar code reader (Figure 1-item 112) and a signature pad (Figure 1-item 136), (column 4).

In reference to claim 21, Chen shows the method wherein the hardware platform comprises an item delivery and storage system including said computer sub-system (Figure 1-item 110) and a storage sub-system (i.e. input/output devices; Figure 1-item 130).

In reference to claim 27, Chen shows the method wherein said one or more application programs include at least one application program for controlling the storage sub-system (i.e. input/output devices; Figure 1-item 130), (columns 4-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, and 25-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chen, as applied to claim 20 above, in view of Newell et al. (US

Patent 5,159,560), hereinafter referred to as Newell.

In reference to claim 10, Chen discloses substantial features of the claimed

invention, specifically a storage sub-system controlled by an application of the one or

more application programs (columns 5-6), wherein items (e.g. money, tickets) are

dispensed to the kiosk user (column 4). However, Chen does not explicitly disclose the

method wherein the storage sub-system includes a carousel containing a plurality of

storage bins normally hidden by a set of doors controlled by an application of said one

or more application programs. Nonetheless, a storage sub-system (i.e. dispenser)

including a carousel containing a plurality of storage bins with doors was well known in

the art at the time of invention, as further evidenced by Newell. Therefore it would have

been obvious to one of ordinary skill in the art to accordingly modify the aforementioned

method as disclosed by Chen.

In an analogous art, Newell discloses an automated merchandise

dispensing and retrieving system (Figure 3A), wherein the system includes a carousel

having bins for storage of items and access doors (Figure 3A-items 314-318; column 5)
for dispensing and receiving the aforementioned items (abstract; columns 3-4). One of
ordinary skill in the art would have been motivated to accordingly modify the
aforementioned method of Chen, so as to support vending with moving mechanical
components and thereby providing reliable article dispensing and returning operations,
(Newell column 2, lines 1-15).

In reference to claim 25, Chen discloses substantial features of the claimed
invention, specifically a storage sub-system wherein items are dispensed to the kiosk
user (column 4). However, Chen does not explicitly disclose the method wherein the
storage sub-system includes a carousel containing a plurality of storage bins.
Nonetheless, a storage sub-system (i.e. dispenser) including a carousel containing a
plurality of storage bins was well known in the art at the time of invention, as further
evidenced by Newell. Therefore it would have been obvious to one of ordinary skill in
the art to accordingly modify the aforementioned method as disclosed by Chen.

In an analogous art, Newell discloses an automated merchandise dispensing and
retrieving system (Figure 3A), wherein the system includes a carousel having bins for
storage of items and access doors for dispensing and receiving the aforementioned
items (abstract; columns 3-4). One of ordinary skill in the art would have been motivated
to accordingly modify the aforementioned method of Chen, so as to support vending
with moving mechanical components and thereby providing reliable article dispensing
and returning operations, (Newell column 2, lines 1-15).

In reference to claim 26, Newell shows the method wherein the carousel comprises a carousel including a set of doors (Figure 3A-items 314-318) in front of said storage bins operable in accordance with control software used by a selected application program, (column 5).

Claims 11, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, as applied to claim 1 above, in view of Whitehouse (US Patent 5,319, 562), hereinafter referred to as Whitehouse.

In reference to claims 11 and 28-29, Chen shows substantial features of the claimed invention, specifically the system wherein one or more application programs include at least one application program for accessing the storage device (i.e. dispenser; column 4-6) of the item delivery and storage system/storage web-system [claim 29], (i.e. interfaced to Internet/accesses web pages; column 5). Although Chen discloses the system is employed to complete a plurality of user-specific functions (e.g. purchasing various items; columns 4-6), the reference does not explicitly show the system wherein said and one application programs for buying postage at the common use access terminal. Nonetheless, a postage purchasing system was well known in the art at the time of the invention, as further evidenced by Whitehouse. Therefore it would have been obvious to one of ordinary skill in the art to accordingly modify the aforementioned system as disclosed by Chen.

In an analogous art, Whitehouse discloses a distributed computer system for purchasing postage from the post authority in communication with an end-user computer (i.e. client), (abstract). Whitehouse further discloses that the postage is purchased, and subsequently printed at the client, (columns 16-18; Figure 11). One of ordinary skill in the art would have been motivated to accordingly modify the aforementioned system of Chen, so as to support postage automation and thereby reducing the amount of company budget allocated to employing human resources (e.g. postal employees; Whitehouse columns 2-3).

Claim 12-17, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, as applied to claim 1 above, in view of Whitehouse (US Patent 5,319, 562), and Newell et al. (US Patent 5,159,560), hereinafter referred to as Whitehouse and Newell respectively.

In reference to claims12 and 30 Chen shows substantial features of the claimed invention, specifically the system wherein one or more application programs include at least one application program for accessing the item delivery and storage system (column 4-6). Although Chen discloses the system is employed to complete a plurality of user-specific functions (e.g. package pickup/purchase; a club type for pick-up and delivery; columns 4-12), the reference does not explicitly show the system wherein one or more application programs include a package exchange application, and a postage buying application. Nonetheless, a postage purchasing system was well known in the art at the time of the invention, as further evidenced by Whitehouse. Therefore it would

have been obvious to one of ordinary skill in the art to accordingly modify the

aforementioned system as disclosed by Chen.

In an analogous art, Whitehouse discloses a distributed computer system for

purchasing postage from the post authority in communication with an end-user

computer (i.e. client), (abstract). One of ordinary skill in the art would have been

motivated to accordingly modify the aforementioned system of Chen, so as to support

postage automation and thereby reducing the amount of company budget allocated to

employing human resources (e.g. postal employees; Whitehouse columns 2-3). Chen

and Whitehouse do not show the system wherein one or more application programs

include a package exchange application. Nonetheless, a storage sub-system (i.e.

dispenser) for package exchange was well known in the art at the time of invention, as

further evidenced by Newell. Therefore it would have been obvious to one of ordinary

skill in the art to accordingly modify the aforementioned system as disclosed by Chen

and Newell.

In an analogous art, Newell discloses an automated merchandise dispensing and

retrieving system (Figure 3A), wherein the system includes a carousel having bins for

storage of items and access doors for dispensing and also receiving the aforementioned

items from users returning items (abstract; columns 3-4). One of ordinary skill in the art

would have been motivated to accordingly modify the aforementioned system of Chen

and Whitehouse, so as to support vending with moving mechanical components and

thereby providing reliable article dispensing and returning operations, (Newell column 2,

lines 1-15).

In reference to claim 13, Chen shows the system wherein all of the application programs (i.e. application files; Figure 4-item 175) are run on a common web server, (one server; column 6, lines 20-33).

In reference to claim 14, Chen shows the system wherein each of the application programs (i.e. application files; Figure 4-item 175) are run on individual web servers, (one server; column 6, lines 20-33).

In reference to claim 15, Chen shows the system wherein one of said application programs (i.e. application files; Figure 4-item 175) reside singly in one of said web servers (one server; column 6, lines 20-33).

In reference to claim 16, Whitehouse shows wherein said one application program comprises the postage buying application (i.e. postage printing program; abstract).

In reference to claim 17, Whitehouse shows wherein the postage buying application program controls one of said peripheral devices (i.e. printer; abstract; Figure 11-item 11b) for printing of postage at the common use access terminal.

Allowable Subject Matter

Claims 31- 38 are objected to as being dependent upon a rejected base claim (i.e. claims 20-21), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: recited limitations unambiguously describe a <u>specific</u> method for employing the item delivery and retrieval system for implementation of package pick-up; package exchange; club type; and postage buying automated applications. This specific functionality is distinguishable over the more general postal, packaging, and purchasing automation methods as disclosed in the cited prior art. Particularly, Chen discloses a plurality of user-specific functions that are implemented through the associated plurality of applications as configured at the kiosk. However, Chen does not disclose a detailed method for a user to complete the various applications (e.g. banking, purchasing, item pick-up) employing the kiosk, but rather addresses a method for accomplishing the <u>user-specific reconfiguration</u> of the kiosk so as to support the various applications. Nonetheless, the examiner does assert that the reconfigurable kiosk, as explicitly disclosed by Chen, is functionally equivalent to the digital computing system for implementing multiple independent applications on a common hardware platform (i.e. kiosk) as recited in the aforementioned rejected independent claims (i.e. claims 1 and 20) of instant application (10/099947).

The Examiner also acknowledges the related application 09/817375, now US

Patent 6,784,295 discloses the method recited in the aforementioned objected claims of

instant application and claims the item delivery and retrieval system employed during

this process.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShanya R Nash whose telephone number is (571)

272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit, 2153
July 7, 2005

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